



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
 Horstemeyer) Confirmation No.: 7827
Serial No: **10/706,591**) Art Unit: **2612**
Filed: **11/12/2003**) Examiner: **Tai T. Nguyen**
For: Response Systems and Methods for
 Notification Systems for Modifying
 Future Notifications

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.312, please enter the following comments in the file history of the instant application. These comments are intended to clarify the record.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

The Examiner has made some broad conclusory statements in the Statement of Reasons for Allowance, which may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For at least these reasons, Applicant provides the following comments to vouch the record and to ensure proper interpretation of the claims and history.

First, Applicant agrees with the Examiner that the stated reasons for allowance of claims 1-28 and 32-95 (renumbered 1-92) are indeed proper grounds for allowance of at least some of these claims. However, there are numerous allowed independent claims that do not specifically include some of the Examiner-mentioned features (for example, changing contact data) indicated in the Examiner's reasons for allowance (for example, claims 1, 18, 32, 38, 44 50, 67, 78, 84, 90). These Examiner-mentioned features should *not* be read into, or imputed, into a claim when it is construed, unless the claim actually recites such features. Each claim should be construed on its own merits, based upon its own recitations and independent of recitations in other claims.

Second, with respect to those claims where the Examiner's reasons may be applicable, the scope and validity of each such claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each such claim, as opposed to only the particular features pointed out by the Examiner. There are other additional reasons why these claims are allowable over the prior art of record, and Applicant does not admit that the stated reasons for allowance are the only reasons for allowance.

Third, in accordance with 35 U.S.C. Section 282: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid

even though dependent upon an invalid claim." Thus, the dependent claims that were not addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Respectfully submitted,



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Date: 8/21/06

Docket: **050847-1010**

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CERTIFIED MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "First Class Mail," in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 21, 2006

Signature 